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SUBJECT: EU TO LAUNCH COOPERATION WITH LIBYA ON  
MIGRATION ISSUES

REFS: (A) USEU BRUSSELS 1514  
(B) USEU BRUSSELS 2148

SUMMARY

1. EU Ministers for Justice and Home Affairs (JHA) on June 3 agreed to cooperate with Libya to combat clandestine migration and will help Libya build institutional capacity. This decision "in principle" ties development of this cooperation to Libya respecting certain basic principles - particularly those enshrined in the Geneva Convention of 1951. The financial implications are not yet clear, but this decision should not involve significant direct EU financial assistance to Libya. The Council also endorsed the five-year action plan tabled by the Commission for implementing the Hague program of EU actions in the field of Freedom, Justice and Security. Ministers agreed an update of the EU action plan for combating terrorism, prepared with CT Coordinator de Vries, should be endorsed by the June 16-17 European Council. The Commission made a presentation of its plan for establishing the second-generation Schengen Information System (SIS II). Council decisions on justice-related issues have been reported Ref B. Full text of Council conclusions have been transmitted to EUR/ERA. END SUMMARY.

COOPERATION WITH LIBYA ON MIGRATION ISSUES

2. Following on its April 14 meeting, when the Commission reported on a mission to Libya on illegal immigration (REF. A), the EU Justice and Home Affairs Council on June 3 agreed "in principle" to launch dialogue and cooperation with Libya on migration issues. Noting that Libya is one of the main transit countries to the EU, Luxembourg Minister Delegate for Foreign Affairs and Immigration Nicolas Schmit told a press conference the Commission would now conduct further exploratory talks to verify whether Libya agrees to engage in dialogue, based on basic principles, including respect for human rights and those enshrined in the Geneva Convention of 1951. The Council adopted conclusions aimed at "clarifying the modalities" of cooperation. The text calls on the Libyan authorities "to show evidence that they are really determined to respect their obligations under the OAU Convention regulating the specific aspects of refugee-related problems in Africa, in which the Geneva Convention concerning the statute of refugees is considered as the universal basic instrument with respect to the statute of refugees and implying effective cooperation with the UNHCR." The EU will also press Libya to refrain from forcible returns and the Commission will "look at ways it could help the Libyan authorities to respect their obligations."

3. Taking questions from reporters, Schmit said the goal was "to lead Libya step-by-step to adopting higher standards." Schmit underlined that the text also contains explicit references to the situation of Bulgarian and Palestinian health workers who have been sentenced to death in Libya, saying the issue (on which another ruling is now scheduled for November 2005) was another crucial element for the development of relations.

4. The EU also pledged to increase the frequency of joint maritime patrols in the Mediterranean and called for Member States to contribute aircraft and naval vessels to create an ad hoc operational unit for this purpose. A Council official told us that some countries, led by Germany, had problems with using EU funds for border control activities, while others like Italy, Spain and Malta counter that the Hague program explicitly allows for this

(the JHA conclusions on this point simply take up wording from the Hague program). The financial implications are not yet clear, but our understanding of the JHA Council's decisions is that they should not involve significant direct EU financial assistance to Libya.

#### ACTION PLAN FOR THE HAGUE PROGRAM

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15. The Council endorsed the five-year action plan tabled by the Commission for implementing the Hague program of EU actions in the field of Freedom, Justice and Security. This blueprint for EU measures in the fight against terrorism, migration management, visa policies, asylum, privacy and security, the fight against organized crime, and criminal justice will be endorsed by EU leaders at the June 16-17 European Council meeting (details at [http://europa.eu.int/comm/justice\\_home/news/information\\_dossiers/the\\_hague\\_priorities/index\\_en.htm](http://europa.eu.int/comm/justice_home/news/information_dossiers/the_hague_priorities/index_en.htm)). Minister Frieden cautioned that endorsement of the action plan should not be interpreted as meaning the EU Member States will easily reach agreement on the specific draft pieces of legislation to be reviewed by the Council in the months and years to come. Following the French and Dutch votes on the draft Constitutional Treaty, Frieden said construction of an EU area of freedom, security and justice -- where many issues would have come under qualified majority voting if the Constitutional Treaty entered into force -- would likely be "more difficult" because of the continued requirement that decisions be taken by consensus.

#### EU ACTION PLAN FOR THE FIGHT AGAINST TERRORISM

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16. The Presidency presented an update, prepared with CT Coordinator de Vries, of the EU action plan for combating terrorism, also for endorsement by the June 16-17 European Council. Frieden noted that EU cooperation made it possible to avoid some attacks, noting the increased involvement of EUROPOL and the EU SitCen (Situation Center located within the EU Council Secretariat) in the preventive work.

#### SCHENGEN INFORMATION SYSTEM

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17. In a Joint Committee meeting of Schengen participating countries, the Commission presented its long-awaited plan for establishing the second-generation Schengen Information System (SIS II). Commission Vice-President Frattini underlined that setting up of SIS II is a major condition for allowing the new EU Member States to fully participate in the Schengen area from 2007 and for the lifting of border controls with the new EU members. SIS II will not only be used in the context of policies linked to the movement of persons but was also designed as "an essential tool for supporting police and judicial cooperation in criminal matters," according to the Commission announcement. The new system will offer "a more flexible technical infrastructure and better ways of guaranteeing identification than the current SIS. For example, the new SIS will be able to store fingerprints and facial images for verifying the identity of a person and thus address the problems of misidentifications made by the current system. In addition, SIS II will have the ability to cope with evolving users' requirements, which is simply a reflection of the changing political environment in which SIS operates. For instance, SIS II will ensure immediate dissemination of a European Arrest Warrant issued by a Member State across Europe.

#### MORE SCHENGEN-RELATED ISSUES

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18. The Council adopted without discussion a Regulation intended to give vehicle registration services of the EU Member States access to the Schengen Information System in order to better combat the theft of vehicles.

#### OTHER DECISIONS

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19. The Council reached agreement in principle on a proposal to make the European Police College (CEPOL, a UK-based network of national institutes in charge of training senior officials of police departments in the Member States) a body of the EU. CEPOL will thus be funded under the EU budget and the statute

of its staff will be amended accordingly.

MCKINLEY